

## INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by typing or printing in blue ink. Do not fill in un-numbered blanks on the forms. A person who has a guardian and/or conservator is called a “ward”. Though the packet uses the singular of “guardian” and “conservator”, you may list more than one. The whole process takes at least two months.

**Emergency or Temporary Guardianship and/or Conservatorship:** This packet is not designed for emergency or temporary guardianship and/or conservatorship. To get emergency or temporary orders, you should see an attorney because the court generally will not grant those requests without additional information not addressed in this packet.

**Notaries:** Some forms must be signed in front of a notary public. You can find a notary at most banks or listed in the Yellow Pages. The person signing must bring a photo ID. Notaries usually charge a fee.

**Filing Fee:** To find the fee to file court papers, see the Self-Help Center packet *Superior Court Filing Fees* or call the Clerk’s Office at 928-779-6535. The Clerk’s Office accepts only cash, money orders, and cashier’s checks payable to “Clerk of Superior Court”. If you can’t afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*.

**Filing Forms with the Court:** Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

**Appointment of a Health Professional:** In all guardianship and some conservatorship cases, the court will appoint a physician, registered nurse, psychologist, or psychiatrist to examine the proposed ward and report to the court. You must pay the health professional for this service. In your Petition, you may give the name and address of the physician, registered nurse, psychologist, or psychiatrist you prefer.

**Inpatient Mental Health Care Authority:** All guardians of adults can consent to mental health care that occurs outside the hospital, including the administration of psychotropic medications. If you want the additional authority to consent to *inpatient* mental health care, 1) the health professional’s report must be written by a psychologist or psychiatrist, 2) it must state the ward needs inpatient mental health care, and 3) you must ask for inpatient mental health care authority in your Petition.

### STEP 1: DECIDE BETWEEN GENERAL AND LIMITED GUARDIANSHIP

Arizona law requires the court to encourage the ward’s development of maximum independence. A “general guardian” has all the legal powers of a guardian. A “limited guardian” picks a limited set of powers. You can ask the court for a limited guardianship if it would meet the proposed ward’s needs. See Arizona Revised Statutes 14-5312 for a list of a guardian’s powers and duties.

### STEP 2: FILL IN ALL THE INFORMATION YOU KNOW ON THE GUARDIAN/CONSERVATOR COVER SHEET

If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.

### **STEP 3: FILL OUT THE CONFIDENTIAL INFORMATION SHEET**

- (1) Enter your name, phone number, address, gender, weight, height, eye and hair color, driver's license number and expiration date, state issuing the license, social security number, and, if you have one, attorney's name, phone number, and address.
- (2) Enter the proposed ward's name, phone number, and address, and, if they have one, attorney's name, phone number, and address.

### **STEP 4: FILL OUT THE PETITION FOR GUARDIANSHIP AND/OR CONSERVATORSHIP OF AN ADULT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) Check the box indicating whether you want guardianship, conservatorship, or both.
- (5) Enter the proposed ward's name, social security number, address, phone number, birthdate, and age.
- (6) Enter your name, address, phone number, social security number, and relationship to the proposed ward.
- (7) Check the box indicating which statement is true. If the ward is currently a minor and you are their guardian and/or conservator, enter the dates of any future hearings in that case.
- (8) If you want guardianship, check each box indicating why the proposed ward is incapacitated. If you check "Other", explain.
- (9) Check the box indicating whether you want general or limited guardianship. If you want limited guardianship, check the box indicating each power or duty you want. If you check "Other", explain.
- (10) If you want conservatorship, check each box indicating why a conservator should be appointed.
- (11) If you want conservatorship, check each box indicating why the proposed ward can't manage their estate and affairs effectively. If you check "Other", explain.
- (12) Check each box indicating why you should be appointed guardian and/or conservator. If you check "Other", explain.
- (13) Enter why you are interested in the proposed ward's welfare.
- (14) If the proposed ward has an attorney, enter their name, phone number, and address.
- (15) If you want a specific health professional appointed, enter their name, phone number, and address. Otherwise, the court will choose the health professional.
- (16) Enter the name and address of 1) the proposed ward; 2) their living parents; 3) their spouse; 4) their children over 17; 5) each person having care or custody of them; 6) each person who filed a demand for notice; and, if you can locate no parent, spouse, or child over 17, 7) their closest adult relative.
- (17) Check the box indicating whether the proposed ward has substantial assets and income. If so, list the estimated fair market value of each type of property and annual income. If you list a value for "Other", explain.
- (18) If the proposed ward does not have an attorney, check the box.
- (19) If you want inpatient mental health care authority, check the box.
- (20) Read the Petition and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.

**STEP 5: FOR EACH PETITIONER, FILL OUT AN AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name, and check the box indicating whether they are an adult or a minor.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) Enter your name.
- (5) Enter your relationship to the proposed ward.
- (6) Enter how you met the proposed ward.
- (7) For Numbers 1-10, check the box indicating whether the statement is true or false.
- (8) Read the Affidavit and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.

**STEP 6: PREPARE THE ATTACHMENT TO THE AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR**

For each Affidavit of Person to be Appointed Guardian and/or Conservator, prepare an attachment explaining each "False" checked in Numbers 1-10. The Attachment is part of the Affidavit, and you are still under oath when you fill it out.

At the top of a blank piece of paper, type or print "ATTACHMENT TO THE AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR". Then type or print the following information for the corresponding Numbers on the Affidavit. List the information only for the Numbers you checked as "False" on the Affidavit.

1. For each felony you have been convicted of, list:
  - a. The nature of the offense
  - b. The name and address of the sentencing court
  - c. The case number
  - d. The conviction date
  - e. The terms of the sentence
  - f. The name and phone number of any current probation or parole officer
  - g. Why the conviction should not disqualify you from appointment
2. List:
  - a. The ward's names for whom you are currently serving and the court case numbers
  - b. The ward's names for whom your appointment has been terminated within the three-year period and the court case numbers
3. State how you intend to obtain this information.
4. State the total number of persons for whom you have acted in a fiduciary capacity pursuant to a power of attorney within three years of filing the Petition. If you have acted under a power of attorney for the proposed ward, list:
  - a. The date it was signed.
  - b. The actions you have taken under it
  - c. Where it was signed
  - d. Whether it is currently in effect
5. State why you are listed in the Elder Abuse Registry, or list the name of each business and why they are listed in the Elder Abuse Registry.
6. List the name and location of the court and the name and case number of the files in which you were delinquent in filing the required report.

7. List the name and location of the court, the name and case number of each file, and the circumstances of your removal.
8. State the number of times you received such gifts; list the gifts, the dates they were received, and the value of each; and describe the gifts.
9. State the number of occasions on which you have been so named.
10. List the name and address of each business and the extent and nature of your interest.

**STEP 7: FILL OUT THE NOTICE OF HEARING**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name, and check the box indicating whether they are an adult or a minor.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.

**STEP 8: FILL OUT THE PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR**

- (1) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (2) Enter the proposed ward's name, present address, permanent address, phone number, daytime location, and spouse's location. Enter the language they speak, list any communication barriers, and check the box indicating whether they have served in the military.
- (3) Enter your name, social security or state ID number, address, home and work phone numbers, and relationship to the proposed ward.
- (4) If you listed a health professional on the Petition, enter their name, phone number, and address.
- (5) If you are represented by an attorney, enter the attorney's name, phone number, and address.

**STEP 9: FILL OUT THE ORDER APPOINTING ATTORNEY, HEALTH PROFESSIONAL, AND COURT INVESTIGATOR**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) If you listed a health professional on the Petition, enter their name and address, and check the box indicating whether they are a physician, registered nurse, psychologist, or psychiatrist.

**STEP 10: FILL OUT THE ORDER APPOINTING A GUARDIAN AND/OR CONSERVATOR OF AN ADULT**

**Photocopy the blank form** to take to the hearing.

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) Check the box indicating whether you want guardianship, conservatorship, or both.
- (5) Check the box indicating which statement is true.
- (6) If you want guardianship, check the box.
- (7) If you want conservatorship, check the box.

- (8) Enter your name, and check the box(es) indicating whether you want guardianship, conservatorship, or both.
- (9) Check the box indicating whether you want general or limited guardianship. If you want limited guardianship, check the box indicating each power or duty you want. If you check "Other", explain.
- (10) Check the box if you want inpatient mental health care authority.

**STEP 11: FILL OUT THE ORDER TO GUARDIAN AND/OR CONSERVATOR AND ACKNOWLEDGMENT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name, and check the box indicating whether they are an adult or a minor.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) Read the Order and make sure you understand everything in it. Date and sign.

**STEP 12: FILL OUT THE LETTERS OF GUARDIANSHIP AND/OR CONSERVATORSHIP AND ACCEPTANCE OF LETTERS**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the proposed ward's name, and check the box indicating whether they are an adult or a minor.
- (3) If the ward is currently a minor and you are their guardian and/or conservator, enter the case number as it appears on the order appointing you.
- (4) Check the box indicating whether you want guardianship, conservatorship, or both.
- (5) Enter your name, and check the box(es) indicating whether you want guardianship, conservatorship, or both.
- (6) Read the Letters and make sure you understand everything in them. Sign in front of a notary.

**STEP 13: FILE THE FOLLOWING WITH THE COURT**

There is a filing fee for the Petition for Guardianship and/or Conservatorship.

- ☐ Guardian/Conservator Cover Sheet
- ☐ Confidential Information Sheet
- ☐ Petition for Guardianship and/or Conservatorship of an Adult
- ☐ Each Petitioner's Affidavit of Person to be Appointed Guardian and/or Conservator, with Attachment if applicable
- ☐ Notice of Hearing
- ☐ Order Appointing Attorney, Health Professional, and Court Investigator
- ☐ Petitioner's Information Sheet to Court Investigator
- ☐ Order Appointing a Guardian and/or Conservator of an Adult
- ☐ Order to Guardian and/or Conservator and Acknowledgment
- ☐ Letters of Guardianship and/or Conservatorship and Acceptance of Letters

**STEP 14: THE COURT WILL MAIL YOU THE SIGNED NOTICE OF HEARING AND ORDER APPOINTING ATTORNEY, HEALTH PROFESSIONAL, AND COURT INVESTIGATOR**

## **STEP 15: FILL OUT AND DELIVER THE HEALTH PROFESSIONAL'S REPORT**

1. Fill out the Health Professional's Report:
  - (1) Enter your name; street address; city, state, and zip code; and phone number.
  - (2) Enter the proposed ward's name.
  - (3) Enter the case number as it appears on the Petition that started this case.
  - (4) Enter the hearing date listed on the Notice of Hearing.
2. Deliver the Report to the Health Professional at the address listed on the Order Appointing Attorney, Health Professional, and Court Investigator.
3. The Health Professional will deliver the completed Report to you.

## **STEP 16: GIVE NOTICE OF THE HEARING TO THE REQUIRED PEOPLE**

See the INSTRUCTIONS: GIVING NOTICE OF THE HEARING in this packet. Giving notice can be complicated and time-consuming. Make sure you understand the procedures before beginning the guardianship/conservatorship process.

## **STEP 17: AFTER YOU GIVE NOTICE: FILL OUT THE PROOF OF NOTICE**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the ward's name, and check the box indicating whether they are an adult or a minor.
- (3) Enter the case number as it appears on the Petition.
- (4) List each document you served.
- (5) For each person you notified, enter the name; street address; city, state, and zip code; notice method; and date notice was complete. (Notice methods: mail, hand-delivery, acceptance, process server, sheriff, tribal law enforcement, publication)
- (6) Date and sign.

## **STEP 18: FILE THE PROOF OF NOTICE AND COMPLETED HEALTH PROFESSIONAL'S REPORT WITH THE COURT BEFORE THE HEARING**

## **STEP 19: GO TO THE HEARING**

Be prepared to testify about why you think guardianship and/or conservatorship is needed. For general information about representing yourself in court, see the Self-Help Center packet *Representing Yourself in Court*. Bring the following to the hearing:

- ☐ Any witnesses that may support your case
- ☐ The original and three copies of any evidence that may support your case
- ☐ A blank copy of the Order Appointing a Guardian and/or Conservator

## **STEP 20: THE COURT WILL MAIL YOU THE SIGNED ORDERS**

If the judge grants your requests, the court will complete, sign, and mail you a copy of the following. Read each form carefully, and make sure you understand everything written on them.

- [ ] Order Appointing a Guardian and/or Conservator
- [ ] Order to Guardian and/or Conservator and Acknowledgment
- [ ] Letters of Guardianship and/or Conservatorship and Acceptance of Letters (unless bond was ordered -- See FILE BOND IF THE COURT ORDERED IT, below)

#### **STEP 21: FILE PROOF OF BOND IF THE COURT ORDERED IT**

Look at the Order Appointing a Guardian and/or Conservator to see if the court waived or ordered bond. If bond is ordered, the court will not sign the Letters of Guardianship and/or Conservatorship until you file proof of bond. If the court ordered bond:

1. Find a bonding company in the Yellow Pages, call them, and purchase the bond in the amount shown on the Order Appointing a Guardian and/or Conservator.
2. Fill out the Proof of Bond
  - (1) Enter your name; street address; city, state, and zip code; and phone number.
  - (2) Enter the proposed ward's name, and check the box indicating whether they are an adult or a minor.
  - (3) Enter the case number as it appears on the Petition.
  - (4) Date and sign.Staple to the Proof of Bond the original receipt, a copy of the bond, or other proof of bond from the bonding company, showing the amount and details of the bond.
3. File the Proof of Bond with the court.

Once the Proof of Bond is filed, the Clerk will fill out and sign the Letters of Guardianship and/or Conservatorship and mail them to you.

#### **STEP 22: GET A CERTIFIED COPY OF THE LETTERS FROM THE CLERK**

The Letters of Guardianship and/or Conservatorship are your proof of your court-ordered authority. You must keep a "certified copy" of the Letters with you whenever acting as guardian and/or conservator. A certified copy is not the same as the "conformed copy" the court mailed you. Many agencies, such as banks or the Social Security Administration, accept only certified copies. You can get a certified copy from the Clerk of Court for a fee.

#### **STEP 23: IF YOU ARE APPOINTED CONSERVATOR: COMPLETE THE INVENTORY OF ESTATE**

You must file the Inventory of Estate within 90 business days after the judge signs the Order Appointing a Guardian and/or Conservator.

1. Fill out the Inventory of Estate
  - (1) Enter your name; street address; city, state, and zip code; and phone number.
  - (2) Enter the ward's name, and check the box indicating whether they are an adult or a minor.
  - (3) Enter the case number as it appears on the Petition that started this case.
  - (4) Enter the balance of the ward's cash. If the ward is an adult, check the box if anyone else also owns or has access to the cash.

- (5) For each of the ward's bank or other accounts that you have access to (including stocks, bonds, mutual funds, life insurance, pensions, retirement funds, profit sharing plans, stock plans, 401K plans, etc.), enter the bank or institution name, an account description (such as "savings", "checking", "money market", etc.), and the value. If the ward is an adult, check the box next to each account that anyone else also owns or has access to.
- (8) Add the Non-Property Assets values, and enter the total.
- (9) Real estate includes properties, homes, cemetery plots, timeshares, etc. Find the value of each piece of the ward's real estate on the county assessor's Notice of Value. For each piece of real estate, enter the address, legal description on the deed (example: "Lot 77, Pine Tree Acres, According to Book 111 of Maps"), and value. If the ward is an adult, check the box next to each property that anyone else also owns or has an interest in.
- (10) Household goods include home furnishings, furniture, jewelry, etc. Have valuable household goods like antiques and jewelry appraised. (In the future, you must re-appraise only when they are to be sold.) For each of the ward's household goods, enter the description and value. If the ward is an adult, check the box next to each household good that anyone else also owns or has an interest in.
- (11) Motor vehicles include all vehicles licensed by the state. Find the value of each of the ward's motor vehicles in the Kelley Blue Book, available online at <[www.kbb.com](http://www.kbb.com)> or at most libraries. For each motor vehicle, enter the make, model, lienholder, last four digits of the vehicle identification number, and value. If the ward is an adult, check the box next to each vehicle that anyone else also owns or has an interest in.
- (12) For each of the ward's property assets not covered above, enter the description and value. If the ward is an adult, check the box next to each asset that anyone else also owns or has an interest in.
- (13) Add the Property Assets values, and enter the total.
- (14) Debt includes amounts owed on real estate, furniture, credit cards, etc. For each of the ward's debts, enter the description and amount owed. If the ward is an adult, check the box next to each debt that anyone else also owes or has an interest in.
- (15) Add the Debts amounts owed, and enter the total.
- (16) For each asset and debt you checked as having a joint interest, enter the description of the asset or debt, the other interested person's name, and their relationship to the ward.
- (17) If anyone owes or will owe the ward a debt, enter a description of the debt, the name of the person who owes or will owe it, and the amount.
- (18) Describe any fund the ward is a beneficiary to and you do not have access to.
- (19) Enter the Total Non-Property Assets listed on this Inventory.
- (20) Enter the Total Property Assets listed on this Inventory.
- (21) Enter the Total Debts listed on this Inventory.
- (22) Add the Total Non-Property Assets and Total Property Assets, subtract the Total Debts, and enter the total.
- (23) Enter the total estimated value of the assets you checked as having a joint interest.
- (24) Enter the name and address of 1) any ward over 13, 2) if the ward lives with a parent or guardian, the parent or guardian, and 3) the ward's attorney if they have one.
- (25) Sign in front of a notary.

2. File the Inventory of Estate with the court.

3. On the date you file it with the court, mail or hand-deliver a copy of the Inventory of Estate to each person listed under "Certificate of Delivery" on the Inventory.

**STEP 24: IF THE COURT ORDERS A RESTRICTED ACCOUNT:  
COMPLETE THE PROOF OF RESTRICTED ACCOUNT**

If the Order Appointing a Guardian and/or Conservator orders some or all of the ward's money put into a restricted account, follow these steps.

1. Fill out the Proof of Restricted Account.
  - (1) Enter your name; street address; city, state, and zip code; and phone number.
  - (2) Enter the ward's name, and check the box indicating whether they are an adult or a minor.
  - (3) Enter the case number as it appears on the Petition that started this case.
  - (4) Enter the bank or financial institution's name and address.
  - (5) Enter the ward's name.
  - (6) Enter the conservator's name.
  - (7) Enter the date the judge signed the Order Appointing a Guardian and/or Conservator.
2. Take the following to a bank or other financial institution:
  - ☐ The money to be put in a restricted account
  - ☐ A certified copy of the Letters of Guardianship and/or Conservatorship
  - ☐ A copy of the Order Appointing a Guardian and/or Conservator
  - ☐ The original Proof of Restricted AccountHave the bank or financial institution put the money into a restricted account as explained in the Order. Have the bank or institution manager fill out the rest of the Proof of Restricted Account. Keep the original Proof of Restricted Account to file with the court.
3. File the Proof of Restricted Account with the court.

**STEP 25: COMPLETE THE GUARDIAN'S REPORT AND/OR CONSERVATOR'S ACCOUNTING**

The guardian must file a Guardian's Report and the conservator must file a Conservator's Accounting as follows. (See the Self-Help Center packets *Guardian's Report* and *Conservator's Accounting* for forms and instructions.)

1. In one year, at least 21 days before the hearing set on the Order Appointing a Guardian and/or Conservator or other court order
2. Once a year after that, before the date the judge signed the Order Appointing Guardian and/or Conservator
3. When asking the court to end the guardianship
4. Any other time the court orders